

REMARKS

Status of the Application

Claims 1-12 and 14-16 are pending. Of the pending claims, claim 3 has been withdrawn from consideration. Claims 1, 2, 4, 8, 9 and 10 are rejected. Claims 5-7, 11 and 12 are objected to. Claims 14-16 are allowed.

Drawings

Corrected drawings are being submitted under separate cover.

A copy of that submission is attached.

Claim Rejections Under 35 U.S.C. § 112

Claim 8 has been amended under 37 CFR § 1.116 to eliminate the indefiniteness.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected Claims 1, 4 and 9 as being anticipated by Frankel 5,471,809. In response, applicants have cancelled claims 1, 4 and 9.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 2 and 10 as being unpatentable over Frankel 5,471,809 in view of Official Notice that "spiral paperboard is old, obvious and well known in many arts." According to the Examiner, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tubes 38, 40 of Frankel out of spiral paperboard for ease of manufacture and recyclability." Applicants respectfully disagree for the following reasons.

The Frankel et al. patent relates to the architectural arts. Applicants' invention is intended for use in product packaging. It would not have been obvious to one of ordinary skill in the packaging arts, desiring to provide a packaging support post with increased axial strength, to modify the Frankel invention (which relates to architecture) in order to obtain applicants' invention (which relates to product packaging).

Besides, the Frankel patent does not suggest or provide any motivation for substituting spiral paperboard (or any other material) for the steel reinforcing elements 38, 40. As Frankel states: "The reinforcing element is preferably made of steel." (col. 1, line 37)

Claim 2 has been rewritten in independent form so as not to be dependent on a cancelled claim.

Allowable Subject Matter

As suggested by the Examiner, claims 5-7, 11 and 12 have been rewritten in independent form. Claim 8 also has been rewritten to overcome the § 112 rejection.

Applicants note with appreciation Examiner's statement that claims 14-16 are allowed.

Summary

Applicants respectfully submit that claims 2, 5-8, 10-12 and 14-16 are in condition for allowance. Applicant requests that this amendment be entered, and that claims 2, 5-8, 10-12 and 14-16 be allowed.

Respectfully submitted,



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